

KIMBERLY J. DEL GRECO  
JOE HOLCOMBE vs UNITED STATES

November 21, 2019

1

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF TEXAS  
3                   SAN ANTONIO DIVISION

4  
5  
6     JOE HOLCOMBE, et al.         )     NO. 5:18-CV-00555-XR  
7     Plaintiffs                     )     (Consolidated cases)  
8     -vs-                          )  
9     UNITED STATES OF             )  
10    AMERICA                      )  
11    Defendant                    )

12  
13  
14                   Videotaped Deposition of Kimberly J. Del Greco

15                   Washington, DC

16                   Thursday, November 21, 2019

17                   11:55 a.m.

18  
19     Job No: J4693104

20     Pages: 1-201

21     Reported by: Kenneth Norris

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1 A. Yes.

2 Q. So we don't have a judge or a jury here but  
3 it's just as if you were trying -- testifying before a  
4 Court?

5 A. Yes.

6 Q. You understand that you represent the FBI in  
7 what's called a Federal Rule of Civil Procedure 30  
8 (b)(6) deposition?

9 A. Yes, I do.

10 Q. Do you have the authority to speak on behalf  
11 of the FBI today?

12 A. Yes, I do.

13 Q. Do you understand you have an obligation to  
14 testify about the information known to the FBI or  
15 readily available to the FBI on the matters that  
16 you're here to testify about today?

17 A. Yes, I do.

18 Q. Can you -- and before we get any further,  
19 can you briefly describe or tell me your understanding  
20 of your role today?

21 A. I'm here to represent the FBI. The  
22 information that we receive from our Federal, State,

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1 Local and Tribal partners, how we use that  
2 information.

3 Q. And what background, if any, prepared you  
4 for that type of knowledge?

5 MR. STERN: Objection.

6 THE WITNESS: Clarify?

7 BY MR. JACOB:

8 Q. Sure. And that's a perfect example. I  
9 asked a bad question and you don't understand it, to  
10 just let me know and I'll be able -- I'll be happy to  
11 rephrase. Okay?

12 A. Okay.

13 Q. Can you briefly tell me your history with  
14 the FBI?

15 A. Yes. For sure.

16 I'm on my 29th year of government service.  
17 I started in -- at the FBI in -- as an analyst and was  
18 promoted through the ranks. I have led the National  
19 Instant Criminal Background Check Section.

20 I led the Biometric Services Section. I  
21 went back to the National Instant Criminal Background  
22 Check Section, and then I was promoted to the deputy

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1       assistant director and I oversee the NICS section, the  
2 Biometric section and our IT component at the CJIS  
3 Division and that's the Criminal Justice Information  
4 Service Division in Clarksburg, West Virginia for the  
5 FBI.

6           Q. You gave me a lot there. I might have to  
7 break it down a little bit, if you don't mind.

8           First I appreciate your public service to  
9 the country.

10          A. Thank you.

11          Q. You said that you started with the FBI.  
12 Have you been with the FBI your entire career?

13          A. Except for the first five years, I was with  
14 the Department of Education.

15          Q. Okay. And you also said that you led the  
16 National Instant Criminal Background Search System.  
17 And it seems like you led it for a certain amount of  
18 time and then you moved on to do something else, and  
19 then you came back multiple times in your career. Is  
20 that fair?

21          A. That is correct.

22          Q. So how many years in total would you say you

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1                   Or a delay, and that indicates that -- that  
2 puts a three-day hold and we provide then the Brady  
3 date in which the FFL could transfer the firearm.

4                   Q.     Okay. I'll go ahead and mark as an exhibit.

5                   (Del Greco Exhibit No. 1 was marked for  
6 identification.)

7 BY MR. JACOB:

8                   Q.     Ms. Del Greco, I've handed you Exhibit 1.  
9 Do you have the Exhibit 1 in front of you?

10                  A.     Yes, I do.

11                  Q.     Have you ever seen Exhibit 1 before?

12                  A.     Yes, I have.

13                  Q.     If you wouldn't mind flipping to Page 9 of  
14 Exhibit 1.

15                  A.     (Witness complies.)

16                  Q.     Do you see Paragraph 7 on Page 9 of  
17 Exhibit 1?

18                  A.     Yes, I do.

19                  Q.     Have you read that paragraph before today?

20                  A.     Yes, I have.

21                  Q.     Are you prepared to discuss the subjects

22 contained within Paragraph 7 of Exhibit 1 today?

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1           A. I'm prepared to discuss how the FBI receives  
2 the information into our systems and what we do with  
3 that information to protect the citizens of the United  
4 States.

5           Q. Well, let me direct you back to my question.

6                 Are you prepared to discuss the subjects  
7 within Paragraph 7 of Exhibit 1?

8                 MR. STERN: Objection.

9                 THE WITNESS: I'm here to represent the FBI  
10 and the process in which NICS processes -- receives  
11 information and processes firearm background checks.

12 BY MR. JACOB:

13                 Q. Okay. Are there any subjects within  
14 Exhibit 7 that you're unprepared to discuss today?

15                 A. In relation to NICS, NIBRS and UCR do not  
16 have any correlation at all to an NICS processing for  
17 firearm background check.

18                 Q. So, is it your testimony you're unprepared  
19 to discuss topics related to NIBRS as identified in  
20 Paragraph 7 of Page 9 of Exhibit 1?

21                 MR. STERN: Objection.

22                 THE WITNESS: NIBRS and UCR do not correlate

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1 a timely manner aided the NICS section to ensure  
2 public safety by the denying 120 -- 120,497 firearm  
3 background checks in 2016."

4 Q. Okay. First, is it a true statement that in  
5 2016, 120,497 firearm background checks were denied?

6 A. That is correct.

7 Q. Okay. And is it a true statement that being  
8 able to view valuable information in a timely manner  
9 aided the NICS section in ensuring public safety?

10 A. It did.

11 Q. Fair to say that NICS is a program designed  
12 to ensure public safety?

13 MR. STERN: Objection.

14 THE WITNESS: It is.

15 BY MR. JACOB:

16 Q. Would it be fair to say that the NICS system  
17 decreases the risks of shooting deaths by keeping guns  
18 out of the hands of felons?

19 A. No.

20 Q. Why is that?

21 A. I think guns are obtained in many different  
22 ways. Our job is to process the firearm background

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1 check solely. That's it.

2 Q. Okay. Do you think NICS decreases the risk?

3 I'm not saying eliminates the risk. I'm  
4 saying, does NICS help decrease the risk of shooting  
5 deaths by keeping guns out of the hands of felons?

6 A. We've never done a study to determine that.

7 Q. Okay. Well, do you agree that in order for

8 NICS -- the NICS system to work, the FBI needs

9 accurate collection of data and reporting of felons?

10 A. Yes.

11 Q. Do you agree that the more information that  
12 you have, the more dangerous criminals that you can  
13 prevent from acquiring firearms?

14 A. I think the more information we have, the  
15 better decisions we can make. Yes.

16 Q. Sure. Do you agree that the more  
17 information you have about deniable offenses of  
18 individuals, the better decisions that you can make in  
19 preventing individuals who shouldn't have firearms  
20 under federal law from acquiring those firearms?

21 A. Yes.

22 Q. Would you expect government agencies to

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1 accurately collect and report deniable offenses to the  
2 FBI?

3 MR. STERN: Objection.

4 THE WITNESS: Yes.

5 BY MR. JACOB:

6 Q. Would you expect government agencies to  
7 accurately collect and report fingerprints of  
8 individuals with deniable offenses and report them to  
9 the FBI?

10 MR. STERN: Objection.

11 THE WITNESS: Fingerprints are submitted to  
12 the FBI with a criminal arrest.

13 BY MR. JACOB:

14 Q. And would you expect government agencies to  
15 submit fingerprints to the FBI upon a criminal arrest?

16 A. Yes.

17 Q. Would you expect government agencies to  
18 collect fingerprints and submit them to the FBI upon a  
19 criminal arrest?

20 A. Yes.

21 Q. Would you expect government agencies to  
22 correct missing or incorrect information about

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1 individuals with deniable offenses?

2 A. Please clarify.

3 Q. Sure. If a government agency sends  
4 information about an individual with a deniable  
5 offense that is incomplete, for example, would you  
6 expect them to correct it in a timely fashion?

7 A. We expect updates to the record as they're  
8 adjudicated through the process.

9 Q. Sure. Would you agree with me that  
10 government agencies should collect and submit deniable  
11 offenses in a timely fashion?

12 MR. STERN: Objection.

13 THE WITNESS: Yes.

14 BY MR. JACOB:

15 Q. Would you agree with me that when government  
16 agencies fail to share data on dangerous individuals  
17 with deniable offenses, they unnecessarily expose the  
18 public to an increased risk of gun violence?

19 A. I can't surmise that.

20 Q. Why is that?

21 A. That's an opinion that I would have.

22 Q. Well, let me ask you this: Is that an

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1 system searches these three databases in Exhibit 2,  
2 Page 7, right?

3 MR. STERN: Objection.

4 THE WITNESS: The NICS system searches the  
5 three databases.

6 BY MR. JACOB:

7 Q. Yes.

8 So what is the Interstate Identified Index?

9 A. It's a database that houses all of the  
10 criminal history records associated with an arrest  
11 charge with a ten print, fingerprint card.

12 Q. What is the National Crime Information  
13 Center?

14 A. It's a database that houses wanted persons  
15 protection orders and other property files.

16 Q. Does the National Information Center contain  
17 a database of NICS denies -- take that question back.  
18 Let me ask that again.

19 Does the National Crime Information Center  
20 contain a database of individuals who the NICS has  
21 previously denied a firearm to?

22 A. It has a denied persons file within it.

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1 Q. And what is the NICS indices?

2 A. The NICS indices is a database that houses  
3 prohibitors that could not reside in the triple I or  
4 the NCIC, and they are an automatic denial when hit  
5 upon.

6 Q. Okay. And this is going to help me sort of  
7 understand where everything lays in the bigger scheme  
8 of things.

9 So if we could kind of build an  
10 organizational chart for a second.

11 So you have the NICS Background Search  
12 System that searches these three databases; the III,  
13 the NCIC and the NICS indices, correct?

14 A. It automatically searches all three  
15 databases, correct.

16 Q. Sure. And what about this Department of  
17 Homeland Security? There's a non-solid line to that  
18 one?

19 A. If there's a non-U.S. citizen, then we would  
20 access that database to look at their holdings.

21 Q. Okay. So for U.S. citizens, we're not  
22 worried about the Department of Homeland Security,

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1 conviction and verify that that's an accurate  
2 relationship.

3 Q. Okay. Well, but their job is a lot easier  
4 if you find a conviction for a felon within the NICS  
5 database, correct?

6 MR. STERN: Objection.

7 THE WITNESS: It depends on the prohibitor.

8 BY MR. JACOB:

9 Q. Well, I'm talking about a felony conviction,  
10 a crime punishable by more than a year in prison?

11 A. Yes.

12 Q. That's instant denial, right?

13 A. If the record's provided.

14 Q. Sure.

15 A. If it's available.

16 Q. And obviously in order for that system to  
17 work, you have to have the record of the felony  
18 conviction, right?

19 MR. STERN: Objection.

20 THE WITNESS: I mean, in most instances that  
21 would make it work. But we have to do a lot of  
22 research on our records.

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1 Q. Now, I wanted to talk a little bit -- I have  
2 another exhibit for you.

3 We'll mark this as Exhibit 9.

4 (Del Greco Exhibit No. 9 was marked for  
5 identification.)

6 BY MR. STERN:

7 Q. Do you have Exhibit 9 in front of you?

8 A. Yes.

9 Q. What is Exhibit 9?

10 A. It's a memorandum of understanding between  
11 the Department of Defense and the FBI.

12 Q. And is it a true and correct copy of the  
13 memorandum of understanding between the Department of  
14 Defense and the FBI?

15 A. Yes.

16 Q. Have you seen this document before today?

17 A. Yes, I have.

18 Q. Can you tell me what the purpose of this  
19 memorandum of understanding between DOD and FBI is?

20 A. It is so the Agency, it's the FBI's  
21 agreement that the Agency provide prohibiting  
22 information to the NICS.

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1 Q. Okay. So is it fair to say that under this  
2 agreement, the Department of Defense undertook the  
3 obligation to provide the FBI deniable offenses for  
4 use in the NICS Background Search System?

5 A. Yes.

6 Q. I want to take a look at a couple of things  
7 that this document notes.

8 Do you see Page 3 of Exhibit 9 which is  
9 Bates stamped 4117?

10 A. Yes.

11 Q. And do you see the section titled Terms of  
12 Disclosure?

13 A. Yes.

14 Q. Under A, do you see that paragraph titled A?

15 A. Yes.

16 Q. Records of elements. "The DOD will provide  
17 data from the Defense Incident Base Reporting System,  
18 a system of records subject to Privacy Act  
19 requirements. Should the DOD determine it possesses  
20 relevant records from sources other than the DIBRS,  
21 the DOD also requires to provide those records  
22 expeditiously."

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1                   Can you tell me what the DOD is agreeing to  
2 here?

3                   A. They are agreeing to provide prohibiting  
4 information to the NICS system.

5                   Q. And not only just prohibiting information  
6 from the NICS -- to the NICS system, but the DOD is  
7 agreeing to provide prohibiting information that's  
8 contained within their DIBRS, D-I-B-R-S, database. Is  
9 that fair?

10                  MR. STERN: Objection.

11                  THE WITNESS: It says DIBRS and other  
12 sources, other than DIBRS, correct.

13 BY MR. JACOB:

14                  Q. Sure. So the DOD is agreeing in this  
15 contract with the FBI that they will take any  
16 information that has prohibiting offenses within their  
17 DIBRS database and provide it to the NICS background  
18 search system. Is that fair?

19                  MR. STERN: Objection.

20                  THE WITNESS: Yes, that's correct.

21 BY MR. JACOB:

22                  Q. But not only just the DIBRS database, if

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1       they have information in other databases, they'll  
2       provide it to the NICS system, true?

3           A.     Correct.

4           Q.     And would you look at Page 5 of Exhibit 9?  
5       Do you have that in front of you?

6           A.     Yes.

7           Q.     Do you see Paragraph 8?

8           A.     Yes.

9           Q.     And Paragraph 8 it says, "The DOD will be  
10      responsible for ensuring the accuracy and validity of  
11      the data it provides to the FBI and agrees to correct  
12      any record determined to be invalid or incorrect."

13      True statement?

14           A.     Yes.

15           Q.     So here, the DOD is saying, look, if there's  
16      data that we provide the FBI that's just wrong,  
17      incomplete, we're going to fix it. Layman terms?

18                  MR. STERN: Objection.

19                  THE WITNESS: Correct.

20      BY MR. JACOB:

21           Q.     With regard to Devin Kelly and the data that  
22      the FBI had, I think we've discussed at length that

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1 the FBI didn't have the information it needed for the  
2 NICS Background Search System for Devin Kelly,  
3 correct?

4 MR. STERN: Objection, mischaracterizes  
5 previous testimony.

6 THE WITNESS: Correct.

7 BY MR. JACOB:

8 Q. Is it fair to say that at no point did  
9 either DOD or the Air Force correct that missing  
10 information?

11 A. Correct.

12 Q. We talked a little bit about the  
13 conversations you had before this deposition and I  
14 want to make sure the record is clear.

15 You said that you -- and I don't want to  
16 hear anything about what you talked to with these  
17 individuals over here -- but you said that you did  
18 talk to Mr. Stern and Ms. Bumgardner?

19 MS. BUMGARDNER: Bumgardner.

20 BY MR. JACOB:

21 Q. Other than these two individuals, did you  
22 talk to anyone else about this deposition or this

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1                   REPORTER'S CERTIFICATE:  
2                   District of Columbia  
3                   City of Washington, to wit:  
4                   I, KENNETH NORRIS, a Notary Public of  
5                   the District of Columbia, City of Washington, do  
6                   hereby certify that the within named witness  
7                   personally appeared before me at the time and place  
8                   herein set out, and after having been duly sworn by  
9                   me, according to law, was examined.

10                  I further certify that the examination  
11                  was recorded stenographically by me and this  
12                  transcript is a true record of the proceedings.

13                  I further certify that I am not of  
14                  counsel to any of the parties, nor in any way  
15                  interested in the outcome of this action.

16                  As witness my hand and notarial seal  
17                  this 21st day of November, 2019.



18                  \_\_\_\_\_  
19                  KENNETH NORRIS

20                  Notary Public

21                  My Commission Expires: 1-4-24

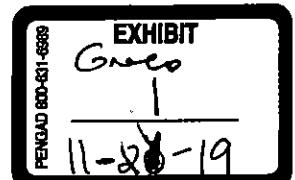
IN THE UNITED STATES DISTRICT FOR  
THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOE HOLCOMBE, et. al,	§ NO. 5:18-CV-00555-XR
	§
Plaintiffs	§ Consolidated with:
	§ 5:18-cv-00712-XR ( <i>Vidal</i> )
	§ 5:18-cv-00881-XR ( <i>Uhl</i> )
vs.	§ 5:18-cv-00944-XR ( <i>Ramsey</i> )
	§ 5:18-cv-00949-XR ( <i>McNulty</i> )
UNITED STATES OF	§ 5:18-cv-00951-XR ( <i>Wall</i> )
AMERICA,	§ 5:18-cv-01151-XR ( <i>Amador</i> )
Defendant	§ 5:19-cv-00184-XR ( <i>Brown</i> )
	§ 5:19-cv-00289-XR ( <i>Ward</i> )
	§ 5:19-cv-00506-XR ( <i>Workman</i> )
	§ 5:19-cv-00678-XR ( <i>Colbath</i> )
	§ 5:19-cv-00691-XR ( <i>Braden</i> )
	§ 5:19-cv-00706-XR ( <i>Lookingbill</i> )
	§ 5:19-cv-00714-XR ( <i>Solis</i> )
	§ 5:19-cv-00715-XR ( <i>McKenzie</i> )
	§ 5:19-cv-00805-XR ( <i>Curnow</i> )
	§ 5:19-cv-00806-XR ( <i>Macias</i> )

**NOTICE OF DEPOSITION**

To: Defendant, United States of America, by and through its attorney, Paul Stern, United States Department of Justice, Three Constitution Square, 175 N Street, N.E., Washington, DC 20002.

From: Plaintiffs, Vidal, et. al, 5:18-cv-712-XR, McNulty, et. al, 5:18-cv-00949-XR; Wall, et. al, 5:18-cv-00951-XR; Solis, et. al, 5:19-cv-00714-XR, and McKenzie, 5:19-cv-00715-XR.



CJIS, NICS, NGI, DMDC, NIBRS, DIBRS, IAFIS, or NCIC.

6. Handouts, manuals, course materials, or other documents concerning the training or education of any Air Force employee on fingerprint collection and final disposition submission procedures.

Please take notice that under Fed. R. Civ. P. 30(b)(6), the above Plaintiffs will take the deposition of the Defendant, United States of America, by oral examination using video, audio, and stenographic means, at the following location and date:

Date: September 12, 2019

Location: United States Attorney's Office  
601 NW Loop 410, Ste. 600  
San Antonio, Texas 78216

Time: 9:00 AM CST

Court Reporter: Res Ipsa or designee

Videographer: Res Ipsa or designee

The deposition will continue from day to day until completed, with such breaks, as necessary. Pursuant to Rule 30(b)(6), the United States of America shall designate one or more officers, directors, managing agents, or other persons who consent and are knowledgeable to testify on the United States' behalf with respect to the subject matters set forth in attached Exhibit A. A request to produce documents permitted under Rule 30(b)(2) is attached as Exhibit B.

## DEFINITIONS

Please see applicable definitions in W.D. Tex. Local Rule CV-26(b)(1)-(7). The singular form of any word shall include within its meaning the plural form of the word and vice versa. For your convenience, Plaintiffs have duplicated those definitions here:

**Communication.** The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

**Document.** The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.

**Identify (With Respect to Persons).** When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

**Identify (With Respect to Documents).** When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).

**Parties.** The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

**Person.** The term “person” is defined as any natural person or business, legal or governmental entity or association.

**Concerning.** The term “concerning” means relating to, referring to, describing, evidencing or constituting.

## ACRONYMS

The following acronyms apply to this notice:

<b>ACRONYM</b>	<b>MEANING</b>
AFOSI	Air Force Office of Special Investigations
CJIS	Criminal Justice Information Services
DIBRS	Defense Incident-Based Reporting System
DMDC	Defense Manpower Data Center
DoD	Department of Defense
DODIG	Department of Defense Inspector General
I2MS	Investigative Information Management System
IAFIS	Integrated Automated Fingerprint Identification System
NCIC	National Crime Information Center
NGI	Next Generation Identification
NIBRS	National Incident-Based Reporting System
NICS	National Instant Criminal Background Check System
USAF	United States Department of Air Force

Respectfully Submitted,

/s/ Jason P. Steed

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& Jacob PLLC**

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Counsel for Vidal, McNulty,  
McKenzie, Solis, Ramirez  
and Wall

## CERTIFICATE OF SERVICE

By our signatures above, we certify that a copy of this pleading, Notice of Deposition, has been sent to the following on August 22, 2019 via email and certified mail, return receipt requested.

**JOSEPH H. HUNT**  
Assistant Attorney General  
United States Dept. of Justice  
Civil Division

**JOHN F. BASH**  
United States Attorney  
Western District of Texas

**KIRSTEN WILKERSON**  
Assistant Director, Torts Branch  
United States Dept. of Justice  
Civil Division

**PAUL DAVID STERN**  
Trial Attorney, Torts Branch  
United States Dept. of Justice  
Civil Division  
**CLAYTON R. DIEDRICH**  
Assistant United States Attorney

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## EXHIBIT A

Examination is requested on the following subject matter areas:

1. The identity of persons, and identity and location of documents referenced in the DODIG-2015-011 Report.
2. The identity of persons, and identity and location of documents referenced in the DODIG 2015-081 Report.
3. The identify of persons, and identity of location of documents referenced in the DODIG 2018-035 Report.
4. The identity of persons, and identity and location of documents referenced in the DODIG-2019-030 report.
5. Training or education USAF personnel received concerning fingerprint collection and final disposition submission procedures, including submission to the FBI CJIS, NIBRS, or DIBRS. This topic concerns training or education given to personnel involved in the investigation, court-martial, or confinement of Devin Kelley between July 1, 2011 and December 14, 2012, whether they received the training at the time or some earlier time. This topic includes, but is not limited to: (a) the training or education provided by the Air Force Security Forces Academy at Joint Base San Antonio-Lackland, Texas; (b) the 65-day course at the security Forces Academy covering basic military police functions; (c) formal or informal training; (d) "on-the-job" training or education; (e) recurring or annual training or education; and (f)

training or education provided by the Naval Corrections Academy.

6. Policies, procedures, practices, checklists, and protocols concerning Air Force Security Force's and AFOSI's execution of DoD Instruction 7730.47-M Volume 1. This topic includes, but is not limited to, the monthly submission of information to the DMDC and the DIBRS database for centralization of the collection of information reportable by the DoD Components pursuant to The Brady Handgun Violence Prevention Act of 1993. This topic includes but is not limited to, information concerning I2MS, as noted on pages 8–9 of DODIG-2015-011.
7. Policies, procedures, practices, checklists, and protocols concerning the FBI CJIS NICS database and how other databases such as Next Gen (NGI) (formerly Integrated Automated Fingerprint Identification System (IAFIS)), NCIC, NIBRS, and Uniform Crime Report (UCR) are used to populate it. This topic includes, but is not limited to, the process by which the FBI receives and subsequently uses the information from DIBRS to prevent the purchase of firearms by any person prohibited by one of the eight listed categories.
8. Policies, procedures, practices, checklists, and protocols concerning the Air Force Security Force's and AFOSI's execution of DoD Instruction 5505.11. This topic includes, but is not limited to, the submission of fingerprints and final disposition reports to FBI CJIS by both the Air Force Security Force and AFOSI. This topic includes, but is not limited to, the process by which Devin Kelley's

fingerprints and final disposition report should have been reported to FBI CJIS.

9. Policies, procedures, practices, checklists, and protocols concerning probable cause determinations by a Staff Judge Advocate, especially to include, when a determination should be made, and any training given to guide Judge Advocates on probable cause determinations.
10. Policies, procedures, practices, checklists, and protocols concerning the USAF Corrections System policy for post-trial inmates during in-processing concerning the submission of fingerprints and final disposition reports to the FBI. This topic includes, but is not limited to, the collection of Devin Kelley's fingerprints and submission of his final disposition report by the confinement facility personnel.
11. Policies, procedures, practices, checklists, and protocols put in to place following DODIG-2015-081 pertaining to the AFOSI's NCIC program director to ensure that fingerprints and final disposition reports are submitted to IAFIS (NGI) according to DoD Instruction 5505.11.

## **EXHIBIT B**

Under Fed. R. Civ. P. 34(b)(2), you are commanded to attend and testify at the above specified time and place; you are commanded to produce the below designated documents, electronically stored information, or tangible things in your possession, custody, or control. The following requests do not seek any communication to or from your legal counsel. Please produce a true and correct copy of the following within thirty (30) days of this notice or at the deposition, whichever is sooner. If produced before the deposition date, please produce these documents electronically. If produced at the deposition, please produce a physical copy of the document for examination and marking as a deposition exhibit, as well as an electronic version of the document in its native format.

1. Your current curriculum vitae or resume.
2. Documents you reviewed in preparation for this deposition.
3. Policies, procedures, practices, checklists, or protocols concerning the topics covered in Exhibit A.
4. Reports, notes, logs, letters, communication, or other documents you have authored or have been sent to you concerning this case or the topics covered in Exhibit A.
5. Charts, diagrams, PowerPoints, illustrations, or other demonstrative aids that illustrate the relationships or communication between any of the following: the FBI